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Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Mexico, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: Spanish]

Note verbale dated 21 December 2001 from the Permanent Mission of Mexico to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Mexico to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to attach the report of the Government of Mexico, prepared in accordance with paragraph 6 of Security Council resolution 1373 (2001) and describing the series of measures taken by Mexico to combat terrorism and implement that resolution.

Enclosure

Report submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

The Government of Mexico has undertaken to comply with the provisions of Security Council resolution 1373 (2001). The purpose of this report is to demonstrate the legislative and executive (i.e. administrative or non-legislative) measures in place or contemplated to combat and eradicate terrorism.

Mexico has participated in the work of the United Nations aimed at combating terrorism and supports the international community's efforts to give effect to Security Council resolution 1373 (2001), under the Charter and international law.

Our country supports the elaboration of international legal instruments to combat terrorism and the elimination of all links between terrorist activities and conduct related to transnational organized crime, illegal drug and arms trafficking, money-laundering and illegal movements of nuclear, chemical and biological materials.

Acts of terrorism are punishable under Mexican law, and our country has a broad legal framework to prevent and suppress terrorist acts. Nonetheless, preparations have been made to modify the domestic legal order to characterize as an autonomous offence the financing of terrorism. Mexico will make the necessary legislative adaptations in accordance with its constitutional procedures.

Since the terrorist attacks against the United States of America on 11 September, Mexico has taken preventive steps and established institutional mechanisms to combat and eliminate acts of terrorism. In particular, the President of the Republic has announced the formation of working groups for the prevention of terrorism.

Mexico is a party to the major existing international anti-terrorism conventions. It has signed the International Convention for the Suppression of the Financing of Terrorism with a view to ratifying it, and will accede to the International Convention for the Suppression of Terrorist Bombings as soon as it has completed the appropriate constitutional legislative procedures.

Mexico believes that international cooperation between States and close coordination of efforts by international organizations will provide countries with strong and effective counter-terrorism instruments.

Resolution 1373 (2001)

Paragraph 1. *Decides* that all States shall:

(a) Prevent and suppress the financing of terrorist acts;

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

The Mexican financial authorities are analysing all operations that are suspected of being linked to the financing of terrorist activities on the basis of the current mechanisms used to detect any operations by clients or users that do not fit

certain transactional patterns. Any suspicious activities are reported to the Financial Intelligence Unit of the Ministry of Finance and Public Credit (SHCP).

Financial institutions are required to keep records of the operations of their clients, who must be fully identified. Moreover, a system has been set up for reporting to the competent authority any transactions whose features differ from the usual behaviour of users of the financial system, are outside a client's normal parameters with regard to a specific economic activity or exceed certain amounts in respect of monetary instruments. The international standard of US$ 10,000 has been accepted for this purpose. Financial institutions constantly monitor the operations of their users in order to facilitate the detection of irregular movements.

These systems and preventive measures enable the authorities charged with preventing and uncovering money-laundering, together with the financial institutions themselves, to combat terrorism and, in general, any illegal activity supported through the financial system.

SHCP is studying the possibility of expanding the coverage of anti-money-laundering obligations to require financial institutions also to report transactions that are likely to be connected with the financing of terrorist activities. To achieve this goal, certain features will be included in the definition of unusual operations, which will allow the financial institutions to report other types of transactional patterns that could be identified as operations potentially intended to be used to finance terrorist activities.

From the point of view of prosecution, the financing of terrorism is not characterized as an autonomous offence under Mexico penal law. As noted in the replies concerning subparagraphs 1 (b) and (d), however, various penal characterizations and provisions may be applied in order to prosecute and punish specific types of conduct considered to constitute the financing of terrorist acts. On the basis of the foregoing, the Office of the Attorney-General of the Republic is taking the necessary steps to identify individuals that might be financing terrorist acts and, in such case, to proceed in accordance with domestic law.

Mexico is working actively with global initiatives, especially with the Financial Action Task Force on Money-Laundering (FATF), to implement international policies against the financing of terrorist organizations. Accordingly, Mexico acknowledges the binding nature of the Task Force's 40 recommendations and eight special recommendations on the financing of terrorism.

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

The types of conduct listed in this subparagraph are not characterized as autonomous offences in Mexico. The existing legal system, however, penalizes the financing of terrorism from illegally acquired funds and imposes penalties on any physical or moral person who finances the commission of the crime of terrorism.

Article 400 bis of the Federal Penal Code criminalizes and imposes a penalty of five to 15 years' imprisonment for acquiring, transferring, administering, controlling, exchanging, depositing, pledging, investing, transporting or transferring within the national territory, or from the national territory abroad or vice versa, any type of funds, fees, or property with "knowledge that they proceed from or are generated by an illegal activity" for the purpose, inter alia, of encouraging any unlawful activity.

Similarly, the Code imposes penalties on employees and staff of financial institutions who fraudulently aid or abet another person in the commission of such a crime. The act of lawfully acquiring the funds is not considered an offence.

Terrorism is criminalized in article 139 of the Federal Penal Code. This provision defines the offence of terrorism broadly as: the commission by any violent means of acts which result in alarm, fear or terror among the population or among a sector of the population for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision. The applicable penalties for such offences vary between two and 40 years' imprisonment and a fine of up to 50,000 pesos.

In accordance with article 13, paragraph VI, of the Federal Penal Code, persons who fraudulently aid or abet others in committing an offence are considered to have participated in it. This means that when a terrorist act is committed or attempted, those who have provided funds to support it may be tried and punished as accomplices to the crime.

Mexico is completing the constitutional procedures to become a party to the International Convention for the Suppression of the Financing of Terrorism and is studying the legislative reforms that will be required in order to make the financing of terrorism an autonomous offence. Accordingly, it is preparing a series of draft amendments to the Federal Penal Code, the Federal Code of Criminal Procedure and the Federal Organized Crime Act in order to provide the necessary legal means for the effective suppression of this crime.

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

As noted with regard to paragraph 1 (b) above, terrorism is criminalized in article 139 of the Federal Penal Code and is considered to be a particularly serious crime when it is committed by members of organized crime, under the Federal Organized Crime Act.

Article 29 of the Federal Organized Crime Act provides that, where sufficient evidence exists that a person is a member of organized crime (including terrorist organizations), the Public Prosecutor's Office, with prior legal authorization, may

freeze the assets of such person, together with any assets in which he or she has an interest; those holding such assets must certify that they were lawfully acquired.

Article 40 of the Federal Penal Code provides that the instruments of the crime, and/or any items which constitute an object or product of the crime, shall be forfeited if their use is prohibited. If they may legally be used, they shall be forfeited if the crime was intentional. If they belong to a third party, they shall be forfeited only if the third party who controls them or has acquired title to them is subject to one of the conditions referred to in article 400 of the Penal Code (complicity), regardless of the juridical nature of the third owner or possessor and of his or her relationship with the crime, if any.

The above-mentioned article provides as a precautionary measure that the competent authorities shall immediately freeze the assets that could be subject to forfeiture during the preliminary investigation or trial.

Article 181 of the Federal Code of Criminal Procedure provides that the instruments, objects or products of the crime, together with the assets that indicate or could be connected with the crime, shall be frozen by the competent authority (Public Prosecutor's Office or jurisdictional authority) to prevent them from being altered, destroyed or hidden.

The power to forfeit or freeze assets granted to the federal authorities by the above-mentioned provisions are not limited by the nature of such assets; they include, inter alia, personal property, buildings, financial assets (bank accounts, securities and others) and economic resources.

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

What measures exist to prohibit the activities listed in this subparagraph?

Some of the activities referred to in subparagraph (d) may be penalized under the provisions of the Federal Penal Code. Article 139, paragraph 2, provides for one to nine years' imprisonment and a fine of up to 10,000 pesos for anyone who, having knowledge of the activities of a terrorist and his or her identity, does not report such knowledge to the authorities. Article 141 of this Code imposes a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos on persons who conspire to commit the offence of terrorism and agree on the means to carry out their intentions.

If the resources intended to fund terrorism come from illegal sources, all persons who participate in providing them are considered criminally responsible. If the offence of terrorism is committed or contemplated, all those who assist or participate in carrying it out, even by providing funds of legitimate origin, incur criminal responsibility. In such cases, the assets of the accused may be frozen, in accordance with the parameters described in response to the previous question.

The Ministry of Finance and Public Credit (SHCP) is taking steps to encourage all financial intermediaries to take every precaution to prevent the Mexican financial system from being used by persons or organizations that finance, attempt to finance or are connected in any way with terrorist activities. In order to assist financial institutions in uncovering operations intended to finance terrorism, the financial authorities are preparing additional guidelines in order to fortify those institutions' ability to monitor clients, and to provide them with better indicators for restricting services to certain persons or organizations.

SHCP has made sure that the financial institutions have access to the lists of persons and organizations issued by the United Nations Security Council, in particular those prepared by the Security Council Committee established by resolution 1267 (1999) concerning Afghanistan, and those provided by the Government of the United States of America under its cooperation agreements, which contain the names of persons and entities allegedly connected with terrorist activities.

Paragraph 2. *Decides also* that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

There is no autonomous statute that criminalizes the recruitment of members of terrorist groups. However, if the offence of terrorism is committed or attempted, any person who has recruited members of the terrorist group in question may be penalized as an accomplice to the crime under article 13, paragraph VI, of the Federal Penal Code.

In addition, any person who recruits members of terrorist groups may, depending on the circumstances of the case, be considered an accomplice to the crime by unlawful association, punishable under the Federal Penal Code, or as a participant in crimes committed by organized crime, punishable under the Federal Organized Crime Act.

In the case of supply of weapons and explosives to terrorist groups, the Federal Firearms and Explosives Act regulates, through strict controls, the sale, possession, transport, import and export of firearms and explosives in Mexican territory.

This Act does not explicitly make it a crime to supply weapons to terrorists as such, but it does penalize the stockpiling, possession, import and export of firearms and explosives without a licence or permit issued by the Ministry of Defence. Articles 84, 84 bis and 84 ter of the Federal Firearms and Explosives Act prohibit the illegal importation into the national territory of weapons, ammunition, cartridges, explosives and controlled substances and impose penalties of from three to 30 years' imprisonment.

In addition, articles 160 and 162 of the Federal Penal Code impose penalties of between three months' and three years' imprisonment or a fine equivalent to the forfeiture of 180 to 360 days' general minimum wage on any person who illicitly carries, manufactures, imports or stockpiles instruments which may be used solely for attack purposes and have no work-related or recreational application.

The Federal Organized Crime Act characterizes as organized crimes the arms stockpiling and trafficking referred to in articles 83 bis and 84 of the Federal Firearms and Explosives Act. The measures discussed more fully under paragraph 2 (e) are therefore applicable to the offences of arms stockpiling and trafficking.

With regard to combating the supply of biological weapons, article 455 of the Health Act imposes a penalty of one to eight years' imprisonment and a fine equivalent to 100 to 2,000 days' general minimum wage on any person who, in the absence of a licence from the competent health authorities or in contravention of the terms under which such licence was issued, imports, possesses, isolates, cultivates, transports, stores or, in general, performs any action using pathogenic agents or their vectors, where these are highly dangerous to human health, in accordance with the Official Mexican Standards issued by the Ministry of Health.

With respect to the supply of chemical weapons, article 456 of the above-mentioned Act imposes a penalty of one to eight years' imprisonment and a fine equivalent to 100 to 2,000 days' general minimum wage on any person who, in the absence of a licence from the Ministry of Health or in contravention of the terms under which such licence was issued, prepares, imports into the national territory, transports, distributes, sells, stores, possesses, disposes of or, in general, performs any action using the toxic or dangerous substances referred to in the Act and resulting in an immediate risk to human health.

Mexico is a party to the following international instruments, which are applicable to the prevention of the supply of weapons to terrorists:

- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and three of its Protocols:
  - Protocol I. Protocol on Non-detectable Fragments;
  - Protocol III. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons;
  - Protocol IV. Protocol on Blinding Laser Weapons.
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition Explosives and Other Related Materials;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- Convention on the Physical Protection of Nuclear Material.

The competent authorities are taking the following specific steps to prevent the illicit trafficking of weapons:

- Military personnel appointed by the Ministry of Defence, through the corresponding military zone, inspect the import or export of firearms, explosives and related chemical substances. These personnel check that the material being imported or exported correctly corresponds to the quantities and characteristics specified in the licences issued by that Ministry.
- Military personnel inspect vehicles authorized to transport firearms, explosives and related chemical substances to check, during the transferral, that such material is the same as that licensed to be transported.
- When the material arrives at the facilities or magazines of the enterprises that have purchased it, the respective Territorial Command appoints military personnel to take control of and verify the delivery or removal of the weapons, ammunition and explosive material or related chemical substances, again checking the quantities and characteristics of the material authorized.
- The Ministry of Defence, in coordination with authorities at the three government levels and the private sector, carry out the following: ongoing campaigns to control the possession, carrying and use of firearms through coordination meetings with the authorities involved; radio and television publicity campaigns to raise public awareness; campaigns to promote the registration and surrender of weapons, ammunition and explosives; and publication of the results. In the period from 11 June 2000 to 19 November 2001, 110 campaigns were held for the registration and surrender of firearms and explosives in a number of Mexican states, resulting in the registration of 8,319 firearms of various calibres.
- The Ministry of the Navy has established advanced naval stations on the southern border and is carrying out patrol and interception activities to prevent the illicit trafficking of persons, drugs and weapons through the national territory that could be used in terrorist acts.

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;

What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

To improve coordination among the agencies of the federal executive branch in the prevention of the crime of terrorism, the President of the Republic has ordered the formation of working groups for the prevention of terrorism.

The model on which these groups are based reflects the 16 most relevant issues requiring special attention on the part of the federal executive branch and better coordination among the agencies related to each issue.

To date, the working groups on health and tourism have been set up, and 14 more are still to be established. While the working groups on airport security, protection of strategic installations, transport routes and security systems for the

northern and southern borders have not yet been formally established, important steps have been taken at the organizational level to prevent terrorist activities.

The Federal Agency of Investigation, which reports to the Office of the Attorney-General of the Republic, monitors alleged criminal groups, including terrorist groups, to detect members or sympathizers who may have entered the country. In the area of tactical analysis, the substantive information generated by investigative activities and that obtained through police agencies, with which constant liaison is maintained, is collected, classified and processed. The Agency works in close coordination with the Mexican national office of Interpol.

The Agency develops networks of contacts and expertise and prepares reports and thematic documents based on the results of its investigations. The information obtained by the Agency is used to identify individuals and situations which may represent security risks and to take the necessary steps through Interpol and in cooperation with agencies in other countries.

The Ministry of Defence, which has particular responsibility for implementing measures to prevent the commission of terrorist acts, has taken a number of steps concerning, primarily, efforts to combat illicit arms trafficking, as described below in the answer relating to paragraph 3 (a) of Security Council resolution 1373 (2001).

In naval matters, the Ministry of the Navy cooperates in the exchange of operational information. In addition, to create a database of the Mexican Navy to facilitate the collection, storage and retrieval of information and its exchange with other government agencies in Mexico and/or abroad, it has implemented, modified or adapted systems on source information (SIFAM), strategic installations and curricula vitae of individuals and organizations.

The different steps taken by the Ministry of the Navy include:

- The introduction, in coordination with the Ministry of Public Safety, of the National Fingerprint Registry and the Executive Information System for Public Safety;
- The application and strengthening of security and surveillance measures at strategic installations related to offshore oil drilling, particularly in the Campeche Sound, to enable them to operate in secure conditions;
- Increased control measures for foreign ships arriving in the country to prevent the entry of individuals who could be involved in terrorist activities;
- Increased security and surveillance measures at the strategic installations of Petróleos Mexicanos (PEMEX) and the Federal Electricity Commission.

At the main airports and bus stations and on highways, the Federal Preventive Police has stepped up surveillance by implementing a contingency plan to prevent terrorist attacks. To that end, a special unit of the Federal Preventive Police has been deployed to detect, search for and locate explosives in airports, using equipment such as scanners and X-ray machines to detect weapons, knives, cutting instruments, etc. Moreover, the number of patrols in the facilities and vicinity of airports has been increased to detect irregularities and prevent any type of terrorist attack.

In the area of health, the National Epidemiological Surveillance System is on constant alert so that it can identify promptly the emergence of health problems in

the population caused by terrorist acts committed with biological or chemical agents.

At the first meeting on health security and bioterrorism, held in Ottawa, Canada, in November 2001, Mexico undertook, along with Canada, France, Germany, Italy, Japan, the United Kingdom, the United States of America and the European Union, to support the strengthening of the World Health Organization (WHO) disease surveillance network.

Should a health phenomenon be detected which is suspected of being related to the use of biological or chemical agents in terrorist acts, the States members will be so informed, using established mechanisms for the exchange of information, both directly between health authorities and through multilateral organizations such as WHO and the Pan American Health Organization (PAHO).

In terms of international cooperation, the participants in the Ottawa meeting agreed to explore joint cooperation in procuring vaccines and antibiotics and other supplies for the prevention and treatment of the health effects of biological or chemical agents; improve linkages among laboratories in different countries for the timely exchange of relevant information; and cooperate on the establishment of response mechanisms for nuclear or chemical terrorist events.

The Ministry of Health heads a working group on the prevention of the use of chemical and biological weapons in terrorist activities. In addition, employees of federal agencies have been trained in the management of potentially hazardous materials, and a reliable inter-agency information system has been put in place and progressively refined to address quickly and efficiently any terrorist attacks involving the use of chemical and/or biological weapons.

The Financial Intelligence Unit of the Ministry of Finance and Public Credit, with a view to detecting promptly any operations which may be related to terrorist acts, alerts countries to which continual transfers of funds are effected by persons who may be linked to terrorist activities, as well as the competent authorities in the fight against terrorism.

The Ministry of Finance and Public Credit has concluded agreements on the exchange of information with the United States, France and Spain. It plans to conclude agreements on the exchange of financial information with Argentina, Australia, the Bahamas, Belgium, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Germany, Guatemala, Iran, Italy, Japan, Korea, Panama, Poland, the Russian Federation, Slovenia, the United Kingdom and Venezuela. The negotiations with those countries have made varying degrees of progress.

The General Customs Administration has an early warning mechanism for the exchange of information with other countries. In particular, there are numerous exchanges with the United States Customs Service, on the basis of the agreement between the Government of the United Mexican States and the Government of the United States of America regarding mutual assistance between their customs services.

Another early warning mechanism that enables the General Customs Administration to exchange information with other States was established under the Multilateral Convention on Cooperation and Mutual Assistance between the National Customs Departments of Latin America, Spain and Portugal. Under the

provisions of that Convention, the contracting parties' respective customs administrations assist or cooperate with each other directly to prevent, investigate and punish customs offences.

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Mexico's General Law on Population and the regulations pertaining thereto empower the national authorities to regulate the immigration of foreigners to the national territory.

Refugees and asylum-seekers enter the country as temporary immigrants and their stay is subject to the conditions established by the immigration authorities, including the designation of the place of residence and the activities in which the person may engage. Individuals who are accepted into the country are registered on a national registry of foreign nationals, which reflects any changes in particulars such as nationality, marital status, place of residence and occupation.

Any authority before which a foreigner completes an administrative act is required to verify the individual's legal status in the country. The judicial authorities are obligated to provide the immigration authorities with identity information on all foreigners who are being prosecuted for offences punishable by imprisonment.

The following is the procedure for granting asylum and refugee status. In the case of political asylum:

- Individuals who claim to be fleeing from political persecution, who come from the country in which they claim to have been persecuted and who request admission to Mexico as asylum-seekers must submit an application explaining the reasons for such persecution, their personal background, identity information and the means of transport used to reach the country.
- While the application is being processed, the person or persons in question must remain at the port of entry.
- Once the application has been reviewed and evaluated by the immigration authorities, which may seek any additional information deemed relevant for evaluating the request, a decision is taken thereon.
- Foreigners who are granted political asylum must live in the place and engage in the activities determined by the immigration authorities. Additional conditions may be established in relation to the individual's stay in Mexico, at the authorities' discretion and if the circumstances of the case so warrant.
- Political asylum is granted on a temporary basis. The relevant permits are valid for one year, but may be extended. They are renewed if the circumstances that prompted the decision to grant asylum persist and if the person in question has observed the conditions established by the authorities. Each renewal of immigration status must be preceded by an evaluation by the immigration authorities.

- The person granted asylum must comply with all the obligations imposed on him or her by law and by the authorities at the time his or her immigration status is granted or renewed. Any violation of these terms may result in the revocation of the person's immigration status and his or her expulsion from the country, in accordance with domestic law.

In the case of refugees:

- Individuals entering Mexico who claim to have fled their country of origin to protect their life, safety or freedom when they have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have disrupted public order may apply for admission as refugees.

- While the application is being processed, the person or persons in question must remain at the disposal of the competent authority.

- Applications for refugee status must specify the reasons why the person fled the country of origin, whether or not the person comes from a third country, personal background information, any evidence which the person may have, identity information and the means of transport used to reach the country.

- In evaluating the application, the competent authority may seek any information deemed appropriate for enabling it to take a decision.

- In addition to the evidence submitted by the applicant and the evidence obtained by the competent authority, the decision on the application for refugee status must take into account the recommendation of an Eligibility Committee.

- The Eligibility Committee referred to above is responsible for examining, analysing and making recommendations on the applications for refugee status submitted to the immigration authorities. The Committee consists of the Deputy Minister of the Interior and representatives of the Ministry of Foreign Affairs, the Ministry of Labour and Social Security, the National Migration Institute and the Mexican Refugee Assistance Commission. Representatives of the Office of the United Nations High Commissioner for Refugees and of other agencies or organizations interested in this subject may be invited to attend meetings of the Committee.

- Persons who claim to have fled from their country but whose life, safety or freedom have not been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have disrupted public order; who are being prosecuted for the commission of ordinary crimes; who are subject to extradition procedures; or who come from a country which has denied them asylum or refugee status may not be admitted as refugees.

- Persons admitted as refugees must live in the place and engage in the activities determined by the immigration authorities. Additional conditions may be established in relation to the refugee's stay in Mexico, at the authorities' discretion and if the circumstances of the case so warrant.

- Refugee status is granted on a temporary basis. The relevant permits are valid for one year, but may be extended. They are renewed if the circumstances that

prompted the decision to grant refugee status persist and if the person in question has observed the conditions established by the authorities. Each renewal of immigration status must be preceded by an evaluation by the competent authority.

- A refugee who violates national laws loses his or her immigration status, without prejudice to the penalties that may be applicable in such cases. The immigration authorities may assign such a person the status which they deem appropriate for prolonging his or her legal stay in the country to prevent him or her from being returned to the country of origin or to any other country in which his or her life, freedom or safety are threatened.

In granting refugee status, the Mexican Government verifies whether the applicant comes within the parameters for exclusion established in article 1 (F) of the 1951 Convention relating to the Status of Refugees; that is, whether the person:

- Has committed a crime against peace, a war crime or a crime against humanity;
- Has committed a serious non-political crime outside the country of refuge prior to his or her admission to that country as a refugee; or
- Has been guilty of acts contrary to the purposes and principles of the United Nations.

If any of these circumstances are established, Mexico will deny refugee status to the person concerned.

With respect to Mexico's procedures for expelling foreigners who finance, plan, support or commit terrorist acts or provide safe haven, article 126 of the Population Act provides that any person who attempts to undermine Mexico's sovereignty or national security shall be permanently expelled from the national territory.

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

What legislation or procedures exist to prevent terrorists from acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

The control measures described above in response to the previous questions enable the authorities to detect possible terrorist activities by individuals or groups. When sufficient evidence has been gathered, either through investigations by the competent authorities or through exchanges of information with other States, to presume that preparations are being made to commit an offence, the authorities may intervene to prevent the commission of the offence. The criminal behaviour for which the persons or groups involved may be prosecuted will depend on the circumstances of each case.

In addition, article 164 of the Federal Penal Code characterizes criminal association as an offence. This offence is committed by any person who belongs to an association or gang of three or more persons formed for the purpose of committing an offence. This means that the members of an association or gang of this type may be subject to criminal prosecution even if they have not committed or

attempted to commit an offence and regardless of the place where the offence was to have been committed. The authorities need only prove the criminal purpose of the association and the fact that the accused belongs to that association.

With respect to organized criminal groups, the Federal Organized Crime Act provides that the mere association of three or more persons who conspire to organize or who organize in order to engage, repeatedly or on an ongoing basis, in conduct which, in itself or together with other conduct, has as its purpose or result the commission of certain offences, including terrorism, shall be regarded as organized crime. The authorities have broad powers of investigation to prevent or, where applicable, to punish the crimes committed by such offenders; it is sufficient, for this purpose, for such offenders to organize or agree to organize and to be within the national territory. Some of these powers have already been mentioned in previous answers; others will be mentioned in the answer to the next question.

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Article 139 of the Federal Penal Code characterizes the offence of terrorism as follows:

> "Article 139. Any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of two to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences."

With respect to the penalty, article 139 of the Federal Penal Code provides that:

> "Any person who, being aware of the activities of a terrorist and of his identity, fails to inform the authorities shall be liable to a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos."

Article 194, paragraph I (4), of the Federal Code of Criminal Procedure defines terrorism as a serious offence.

Under article 2, paragraph I, of the Federal Organized Crime Act, terrorism is considered an offence of organized crime if three or more persons conspire to organize or organize in order to commit the offence repeatedly or on an ongoing basis:

> "Article 2: The mere association of three or more persons who conspire to organize or who organize in order to engage, repeatedly or on an ongoing

basis, in conduct which, in itself or together with other conduct, has as its purpose or result the commission of one or more of the following offences, shall be regarded as organized crime:

I. Terrorism, as provided for in article 139, first paragraph; ...;

II. to V. ...;"

Consequently, the rules contained in the Federal Organized Crime Act for investigation, prosecution, trial, punishment and enforcement shall be applied to members of organized crime who commit terrorist acts.

The following are noteworthy examples of such rules:

Investigation

Pursuant to article 8 of the aforementioned Act and articles 2, 19 bis and 19 bis (1) of the Regulations implementing the Act establishing the Office of the Attorney-General, a special organized crime unit in that Office is responsible for investigating and prosecuting offences committed by organized criminal groups, including terrorist groups.

For the investigation of such offences, the Federal Organized Crime Act provides for the interception of private communications, the doubling of pre-trial detention periods and the infiltration of agents into criminal groups. It also sets forth measures to protect witnesses, judges, experts, victims and other persons involved in criminal proceedings for offences related to organized crime. The Act also provides for certain benefits for any members of criminal groups who cooperate in investigations and prosecutions against other members.

Penalties

Persons managing, directing or supervising a criminal organization involved in terrorism are subject to eight to 16 years' imprisonment in addition to the penalty provided for in article 139 of the Federal Penal Code (see above), which may be up to 40 years.

For those not having the aforementioned functions, a sentence of four to eight years' imprisonment may be imposed, in addition to the penalty imposed for the offence of terrorism. These sentences may be increased by up to 50 per cent if the offender is a public servant or if minors or legally incompetent persons are used in committing the crime.

Forfeiture

Where members of organized crime are involved, the objects, instruments or products of the offence must be forfeited, as must any assets belonging to the convicted person and those over which he or she has control, unless it is proved that such assets were obtained legally.

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Mexico assists other States mainly on the basis of bilateral and multilateral mutual legal assistance treaties to which it is a party.

Mexico is currently a party to 19 bilateral treaties in the area of international legal assistance, with the same number of countries. It is also a party to a number of international conventions providing for legal assistance, such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the Inter-American Convention against Corruption. Mexico has signed the United Nations Convention against Transnational Organized Crime; this instrument is currently at the ratification stage.

Mexico is a party to 10 of the 12 principal United Nations anti-terrorism treaties, and to the Organization of American States Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance.

As for countries with which Mexico has no mutual legal assistance treaty, assistance is provided in accordance with international reciprocity. Mexico has developed useful reciprocal relations with the Governments of such countries.

Legal assistance includes whatever evidence or procedures may be necessary during criminal proceedings (including actions necessary for both investigation and court proceedings), such as:

- Providing evidence and obtaining statements;
- Supplying information, documents and property;
- Locating persons and property;
- Carrying out precautionary measures pertaining to the instruments or products of the offence (freezing, seizure or forfeiture);
- Authorizing the temporary transfer of persons in custody so that they can give evidence or assist with investigations;
- Providing notifications;
- Carrying out of searches;
- Supplying, in general, any kind of assistance even where it is not expressly set forth in the treaties, provided that it is necessary to the criminal proceedings and does not contravene the principles of Mexican law.

Requests for legal assistance are complied with in accordance with the rules governing criminal procedure in Mexico. However, a number of treaties signed by Mexico provide for requests for assistance to be acted on in accordance with special procedures set out in the requests; this is complied with provided that such procedures are not contrary to the principles of Mexican law.

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

Border controls

Mexico has visa abolition agreements with its main trading partners, notably the United States of America, Canada, the European Union and the Latin American countries. Consular visas are maintained with other countries. The National Migration Institute has taken particular care in reviewing migration documents for nationals of countries from which persons travel only rarely to Mexico for migration or tourism purposes.

The issuance of documents for migration purposes is subject to the previous granting of an entry permit or a change in migratory status and/or characteristics; this entails a thorough analysis of the particulars of the foreign national before he can be permitted to enter or remain in Mexico. When the migration papers are issued, a series of official and security stamps are affixed (embossed stamp), as are the handwritten signatures of the authorizing officials.

Mexico has a total of 168 points of entry: 50 by land, 60 by sea and 58 by air. The National Migration Institute has migration officers permanently on duty at all those points, in order to prevent the entry of foreigners intending to use Mexican territory to carry out actions harmful to national security. Migration officials, together with the Federal Preventive Police, are authorized to carry out verification and monitoring duties.

At all points of entry, the Institute thoroughly inspects the documentation of persons wishing to enter Mexican territory. It has also set up a series of courses to train migration officials to detect forged documents. The Institute carries out the inspection of migration documents at points of entry as follows:

- The migration officer asks the foreigner for his documents, namely: a valid passport, migration papers and, where the person's nationality requires it, a Mexican visa and consular stamp. In addition, where the person is entering by air, the official checks that the person arriving has a ticket to return to his country of origin.
- The foreigner is interviewed in order to determine the reason for entering the country and his or her plans for staying in Mexico. In particular, the person is asked how long he or she intends to stay in the country, unless it is already specified in advance by a visa or consular stamp; the person is also asked which places he or she intends to visit. The official further determines whether the foreigner is financially solvent and what type of activities he or she intends to engage in.
- If the migration official authorizes the foreign national to enter, this concludes the procedure. If the official decides that a more thorough investigation is required, the foreign national is then interviewed by the duty supervisor who in turn reviews the facts.
- This second review is carried out in the presence of the Deputy Director of Local Operations, the Supervisor and sometimes also the Director of Local Operations; all documents in the person's possession are thoroughly examined.

This procedure gives the Institute the necessary information to decide directly, at its border control points, whether foreign nationals should be granted or refused entry, even if for some reason the foreign national has previously been granted an entry permit and/or possesses a Mexican visa or consular stamp. These checks provide the information necessary to prevent the movement of terrorists.

The Institute also trains airline ground personnel in the detection of forged documents. Thus, the airlines are the first line of defence in the detection of foreign nationals attempting to enter the country illegally.

The Governments of Canada, Mexico and the United States of America are considering the formulation of a trilateral plan to strengthen border security cooperation in North America. One of the aims of this initiative is to adopt measures to prevent the movement of terrorists.

As for the border controls carried out by the General Customs Administration, there are two types of procedure: one for accompanied baggage and another for goods such as commercial cargo. In the case of baggage accompanied by passengers not declaring dutiable merchandise, the checks are carried out on a random basis. The baggage of between 10 and 15 per cent of passengers entering Mexico is examined.

In the case of merchandise such as commercial cargo being imported into or exported from Mexico, those importing or exporting the goods must present them to the customs authorities together with the appropriate licence. This is a document stating the quantity, value and type of merchandise and recording the payment of the appropriate taxes. The goods are subject to a random inspection procedure. The goods may be subject to a second inspection, also at random. That second inspection is carried out on between 10 and 15 per cent of imported goods.

In any of the above cases, if it is discovered that an attempt is being made to smuggle in arms, cartridges or explosives, or if the goods are subject to permits and these have not been presented, the prosecution authorities and the Ministry of Defence intervene, initiating criminal proceedings and seizing the merchandise.

These migration and customs measures are intended to ensure that terrorists do not enter Mexico and equipment is not brought into the country for the purpose of committing terrorist acts.

Measures to prevent the forgery of documents

Under Mexican legislation, travel and identity documents come under the heading of official documents. The Federal Penal Code penalizes the following acts:

1. Forgery of official documents. Article 243: the penalties provided for under this article are as follows: four to eight years' imprisonment and a fine equivalent to 200 to 360 days' general minimum wage. Article 244 of the Federal Penal Code describes the actions constituting the offence of forgery of official documents. These include:

- Paragraph III. Alteration of the details of a genuine document once it has been drawn up and signed if such alteration modifies its characteristics in relation to any circumstance or substance, whether by adding, amending or erasing in whole or in part one or more words or clauses or by altering the punctuation.

- Paragraph X. The preparation of official identification papers without authorization from the competent authority.

2. Misuse of official documents. Article 246, paragraph VII, penalizes those who knowingly make use of a forged document, or a copy, transcript or testimony thereof, whether official or private. In such cases, the same penalties provided for in article 243 are applied.

Since 1999, the Ministry of Foreign Affairs, which is responsible for the issuance of passports, has begun using a secure and reliable system for passports which complies with all the standards of the International Civil Aviation Organization (ICAO). Mexican passports now include security features both visible and invisible to the naked eye. These passports are digitalized and include 38 levels of security which will change once a year or as required.

The security features introduced are such that the Mexican passport cannot be falsified; it is a highly reliable document, with quality standards comparable with the best in the world and it is widely accepted internationally.

The migration documents issued by the Institute (visas and migration forms) are produced using security features, including a unique folio for each passport issued. The various print jobs are directly delivered to the warehouse belonging to the Institute, where there is an area especially designed for their storage.

To ensure the security and integrity of identity and travel documents such as passports, visas and migration forms, the only supplier authorized to print them is "Talleres Gráficos de México", a decentralized body under the authority of the Ministry of the Interior.

Paragraph 3. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

The exchange of operational information is conducted as follows:

Actions or movements of terrorist persons or networks:

The central office of Interpol in Mexico uses various tools for the detection of criminals involved in terrorist acts. They include dissemination of police records, instruction in the detection of forged passports and immediate consultation of the database contained in the Interpol automatic search system.

In order to combat terrorism, a specialized group called the "TE Service" was established in 1985 with the task of coordinating and improving cooperation in the area of international terrorism. It collects all relevant information which may be useful for preventing terrorist acts or bringing about an appropriate police response.

It also actively promotes the application by the security forces of a coordinated strategy against international terrorism. This strategy involves:

- Prevention. This consists of obtaining data from various sources, classifying the data and extracting any information of strategic importance for police work against groups or individuals intending to commit terrorist acts.
- Fast response to terrorism. This consists of the immediate actions following any terrorist act, including the conduct of a thorough investigation and, where appropriate, judicial action to begin extradition proceedings.

Traffic in arms or explosives

Inter-agency coordination meetings are held on an ongoing basis on the subject of illicit trafficking in firearms, munitions and explosives; the participants include the Ministry of Public Safety, the Attorney General's Office, the Centre for Investigation and National Security (CISEN), the Centre for Drug Control Planning (CENDRO), Customs Inspection Support Unit (UAIFA) and the Federal Preventive Police (PFP).

This inter-agency coordination group supplies information on a weekly basis to the database which CENDRO administers concerning the confiscation of weapons, munitions and explosives connected with drug trafficking and other offences so that, through the National Public Safety System, any agency can have the information it needs to take action to curb clandestine trade, trafficking and illegal transport of weapons.

Concerning confiscated weapons, the Ministry of Defence, in coordination with the agencies mentioned, has conducted inspections of the weapons being held under guard and custody in various military zones for the purpose of gathering technical data on the confiscated weapons and, as the case may be, request their tracking by other States, for example the United States Bureau of Alcohol, Tobacco and Firearms (ATF).

The Ministry gathers information on seizures of weapons, munitions and explosives by military personnel in the course of their investigations of various crimes and makes it available to the aforementioned inter-agency coordination group and CENDRO, so that it can be entered in the confiscations database for future consultation.

Nuclear materials

Mexico works with the International Atomic Energy Agency (IAEA) to intensify and facilitate the exchange of operational information. It participates in the IAEA database on illicit trafficking in nuclear materials and receives and sends information on incidents of this type as they arise. Mexico is also a member of the IAEA Emergency Response Network (ERNET) and is a party to the Convention on Physical Protection of Nuclear Materials, of which IAEA is the depositary.

Mexico cooperates with IAEA in its efforts to strengthen the Convention on Physical Protection of Nuclear Materials with the aim of preventing or helping to prevent terrorist acts involving the use of radioactive or nuclear materials. As a member of its Board of Governors, Mexico is participating in the review of its programme for the biennium 2002-2003 with a view to strengthening activities to combat terrorism.

Sensitive materials

Mexico has a registry of institutions which have biological agents that could be used in terrorist acts. Furthermore, the Federal Commission for Protection against Public Health Risks has responsibility for overseeing the use of potentially dangerous chemicals through the supervision and monitoring of the institutions which use this type of material.

In addition, the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Nutrition has planned to deploy agricultural health inspectors at 105 international points of entry, which could reinforce the gathering and exchange of information on bioterrorism.

The National Service for Agricultural and Food Health, Purity and Quality (SENASICA) is preparing a report on the international trade in organisms which are used in research on animal diseases and could pose a bioterrorism risk, in order to help detect them during agricultural health inspections.

As for the exchange of information on the risks from hazardous substances, Mexico has decided to accede to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, based on the Amended London Guidelines for the Exchange of Information on Chemicals in International Trade. The Convention is a legally binding instrument on the monitoring and control of trade in deadly substances. In addition, it allows importer countries to decide which chemicals they wish to receive and to exclude those which they cannot manage safely.

Accession to the Convention, in addition to the Conventions of Basel and Stockholm, to which Mexico is a party, will enhance its strategy to increase the level of health and environmental protection against the use of hazardous materials.

In order to intensify and facilitate the mechanisms for the exchange of information, the World Customs Organization, of which Mexico is a member, is now in the process of drafting, with the participation of all countries, guidelines and rules to heighten security measures at border crossings in order to intensify action against international terrorism.

In addition, Mexico has improved the equipment used to screen goods and equipment. The General Customs Administration, with financing from public funds at the federal, state and municipal level, as well as in cooperation with other departments, such as the Ministry of Transportation and Communications, the National Heritage Evaluation Commission of the Ministry of Administrative and Expenditure Development, the Integrated Port Authority and the participation of private investors, is developing projects to remodel, build and reorient customs facilities, in order to have the best and most modern infrastructure available.

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Close contact is maintained for the exchange of information with countries with which Mexico has cooperation agreements. In the case of the United States of America,

information is exchanged and meetings held with the Federal Bureau of Investigation (FBI) to prevent terrorists from using the Mexican border to enter United States territory.

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

What steps have been taken to cooperate in the areas indicated in this subparagraph?

Mexico participates in regional and global forums to analyse measures to combat international terrorism, particularly within the framework of the United Nations, the Organization of American States (OAS) and the Organisation for Economic Cooperation and Development (OECD).

At the inter-American level, the Lima Declaration and Plan of Action adopted in 1996, along with the Mar del Plata Commitment of 1998, laid the general foundations to combat this scourge on the continent, while the Second Inter-American Specialized Conference on Terrorism, held in Argentina in 1998, resulted in the establishment of an Inter-American Committee on Terrorism. Inter-American initiatives in which Mexico has been an active participant include:

Special Conference on Security

On the initiative of Mexico, the twenty-third OAS Meeting of Consultation of Ministers for Foreign Affairs was convened. It adopted resolution RC.23/RES.1/01, "Strengthening Hemispheric Cooperation to Prevent, Combat and Eliminate Terrorism", which, inter alia, calls on States to strengthen their cooperation to pursue, capture, prosecute and expedite the extradition of terrorists and to strengthen mutual legal assistance and exchange of information.

Furthermore, the Committee on Hemispheric Security (CHS) was instructed to expedite preparations for the Special Conference on Security, planned for 2004, taking into account the contributions of the Inter-American Committee on Terrorism.

Similarly, within CHS, five preparatory meetings have been held, the first on 6 November 2001, addressing such topics as: identification of risks, threats and challenges in the Americas; development of common views of the concept of hemispheric security; and the major special security concerns of small island States. Once this task is completed, the Special Conference on Security will be convened; Mexico has offered to host it.

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials

Mexico promoted the elaboration of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) and has urged members of OAS to ratify it. CIFTA represents a valuable regional tool for effective control of illicit traffic in firearms, which are clearly linked to drug trafficking, terrorism and organized crime.

In this context, a CIFTA Advisory Committee was established, among whose functions are: compilation of a directory of competent authorities; identification of means to promote cooperation, capacity-building and exchange of information; and establishment of a virtual library containing the legislation of various countries.

Inter-American Convention against Terrorism

In accordance with the aforementioned resolution (RC.23/RES.1/01), adopted at the first plenary meeting of the twenty-third Meeting of Consultation of Ministers for Foreign Affairs, held on 21 September 2001, the Permanent Council of OAS was entrusted with the elaboration of a draft Inter-American Convention against Terrorism to be submitted to its General Assembly at its next session. Mexico was elected to chair the Working Group of the Committee on Juridical and Political Affairs of the Permanent Council, which would elaborate the draft Convention.

Rio Group

On the initiative of the temporary Secretariat of the Rio Group, a meeting of legal experts from member countries was held in Santiago, Chile, on 5 and 6 November 2001 in which Mexico participated, to coordinate the Group's position on the implementation of Security Council resolution 1373 (2001).

During the fifty-sixth session of the United Nations General Assembly, on 14 November 2001 in New York, the Foreign Ministers of the Rio Group issued a declaration in which they reiterated their commitment to the implementation of Security Council resolutions 1368 (2001), 1373 (2001) and 1377 (2001), as well as General Assembly resolution 56/1.

Ibero-American Summit

Mexico supported the elaboration and adoption of the declaration of the Ibero-American Community concerning the terrorist attacks in the United States of America and the Political Declaration against Terrorism, during the preparatory process and the holding of the eleventh Ibero-American Conference, held in Lima, Peru, on 23 and 24 November 2001.

At the bilateral level, Mexico is a party to a broad network of agreements on extradition and mutual legal assistance. Currently, there are 28 extradition treaties and 19 mutual legal assistance agreements in force. That does not include the multilateral crime control instruments to which it is a party, which impose specific obligations in those areas.

The aforementioned networks of agreements ensure that an individual accused of committing or participating in the commission of a terrorist act may be detained and may be subject to extradition. In addition, the International Extradition Act in force in Mexico allows the competent authorities to grant the extradition of persons accused of terrorism, even where there is no extradition treaty with the requesting State. In such cases, the proceedings follow the provisions of national legislation.

Among its international cooperation activities, Mexico has expanded the network of bilateral extradition and mutual legal assistance treaties to include those States with which it has not yet signed that type of instrument.

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Mexico is a party to 11 multilateral instruments relating to the fight against international terrorism, as follows:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the United Nations General Assembly on 14 September 1973;

5. International Convention against the Taking of Hostages, adopted by the United Nations General Assembly on 17 December 1979;

6. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;

7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;

8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988;

9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;

11. Organization of American States Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C., on 2 February 1971.

The Government of Mexico has concluded domestic consultations among the organs of the Federal Executive on the following Conventions, and it is expected that they will be reviewed at the next regular session of the Senate of the Republic with a view to ratification and/or accession:

1. International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on 15 December 1997;

2. International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999.

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The international treaties to which Mexico is a party constitute the supreme law of the land and judges and other authorities are required to apply them.

Mexico has taken due note of the treaties on the fight against international terrorism and has implemented the relevant Security Council resolutions on international terrorism and regimes which provide support to terrorists.

The provisions of those treaties are complemented by domestic law. In the area of terrorism, instruments such as the Federal Organized Crime Act, the Federal Penal Code and the International Extradition Act, among others, help facilitate the implementation of existing treaties concerning terrorism.

Within the context of the extradition treaty with Spain, one person accused of terrorism has been extradited. Two additional requests from Spain for extradition are currently being processed; the Government of Mexico has already agreed to extradition, but the individuals in question have appealed and a final decision is still pending.

With regard to implementation of Security Council resolutions 1269 (2000) and 1368 (2001), virtually all their provisions are reflected in domestic legislation and in the binding instruments to which the country is a party.

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts;

What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Information on procedures regarding the granting of refugee status or asylum and on ensuring that an individual has not committed an offence in his country of origin were described in detail in the response regarding paragraph 2 (c) of resolution 1373 (2001).

In addition, the Federal Government has committed itself to ensuring that Mexican anti-terrorism programmes arising out of international law and domestic legislation are implemented with full respect for individual guarantees and human rights. In particular, no individual may be prosecuted on the basis of his ideology, religion or political views.

Mexico has a National Human Rights Commission and state commissions which, within their areas of competence, deal with complaints regarding acts or omissions on the part of the administration which are alleged to have violated human rights.

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Mexico follows monitoring procedures scrupulously to ensure that refugee status is fully respected. The fact that a request for asylum may have been granted does not mean that the competent authority ceases to monitor the activities of the refugee in the national territory.

The migratory status of refugee is granted for a specific period and is subject to renewal on the part of the migration authorities. That renewal provides the authorities with an opportunity to verify that the criteria which led to the granting of refugee status remain valid, and that the individual in question has complied with all the conditions imposed when that status was granted and has respected domestic legislation. If an individual violates his refugee status, he or she may be ordered to leave the country or be subject to criminal proceedings, depending on the activities in which he or she was found to have been involved.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Letter dated 21 December 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the text of a document entitled "Position of Kazakhstan with regard to resolving the situation in Afghanistan" (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda items 20 (f) and 43, and of the Security Council.

(*Signed*) Madina B. **Jarbussynova**

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Annex to the letter dated 21 December 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

[Original: Russian]

The position of Kazakhstan with regard to resolving the situation in Afghanistan (follow-up to the document entitled "The conceptual approaches of Kazakhstan to resolving the situation in Afghanistan" (A/55/916-S/2001/419), of 27 April 2001)

The way the situation in the world has been evolving in the aftermath of the tragic events of 11 September 2001 in the United States of America and the subsequent counter-terrorist operation launched by the United States and the international coalition in Afghanistan shows that the international community has entered a new stage in its development. International terrorism, in the form in which it was witnessed by the world in New York City and Washington, is a totally new and unexpected threat that looms over humanity.

Kazakhstan fully supports the view that it is necessary to find new and effective measures to counter international terrorism and believes that the time has come to take tough and uncompromising measures to root out that evil.

This concerns Afghanistan directly. The effective elimination of terrorists and their accomplices in that country will make it possible to continue to successfully combat this threat all over the world, while at the same time creating the necessary conditions for a comprehensive and long-term settlement of the Afghan crisis and the rehabilitation of Afghanistan.

I. Kazakhstan notes with satisfaction that the main ideas and tenets of its document entitled "The conceptual approaches of Kazakhstan to resolving the situation in Afghanistan" have been favourably received around the world and that they correspond to the positions and proposals of other States and are being put into practice.

It is gratifying to note that we have not erred in our approaches, and we are pleased to see that the international community has now proceeded to implement practically all of our recommendations, from political settlement to comprehensive measures of economic and humanitarian rehabilitation. **The fact that Afghanistan has finally become the focus of international attention fosters the hope that this long-suffering country will take the path of normal and civilized development. Moreover, we in Kazakhstan consider that Afghanistan, which is a reflection in miniature of many global and regional problems, can become a testing ground for the elaboration and testing of an effective formula for real partnership and confidence-building, not based on geopolitical ambitions and narrow national approaches. We believe that, without this, collective action in Afghanistan could prove futile.**

II. Kazakhstan welcomes the results of the United Nations-sponsored talks among Afghan parties in Bonn which, in our view, constituted a breakthrough in the process of intra-Afghan political settlement. It is very important to emphasize here that **the international community has reached a consensus understanding of the need for a comprehensive solution of the Afghan problem**.

We in Kazakhstan are pleased to note that all interested States and parties underline **the key role of the United Nations in the post-conflict rehabilitation of Afghanistan and the return of the Afghan people to a peaceful and constructive life**.

Kazakhstan reaffirms its position that the future of Afghanistan and its political structure are in the hands of the Afghans themselves. At the same time, it is clear that Afghan society, for objective and subjective reasons, currently lacks the human and material resources needed to solve all of its burning problems single-handedly. In this context, it is important for the participants in the peace process in Afghanistan to find, under the auspices of the United Nations, an acceptable formula for coexistence which can become the basis for the establishment of permanent governing structures and civil institutions and the creation in the country of an atmosphere of trust and friendship.

We are deeply convinced that all **peacekeeping efforts in Afghanistan should be carried out under the auspices of the United Nations**, which will avert the renewed outbreak of civil war and make it possible to ensure public order and the uninterrupted delivery of humanitarian aid to the starving Afghan people. We welcome Security Council resolution 1386 (2001), of 20 December 2001, and believe that the presence in Afghanistan of the International Security Assistance Force is designed to ensure the preservation of peace in Afghanistan and to create the conditions for its economic and social rehabilitation in close cooperation with the Afghan Interim Authority and Afghan society.

At the same time, Kazakhstan calls upon all interested States to refrain from underhanded manoeuvres, abandon their geopolitical ambitions and make efforts to preserve and build upon the positive results recently achieved in the Afghan settlement process.

III. In view of the fact that Afghanistan is on the verge of a humanitarian disaster and that millions of Afghans are threatened with death by starvation, Kazakhstan believes that along with completing the counter-terrorist operation, the international community should, first and foremost, make every effort to address this aspect of the Afghan problem. Yet it is also evident **that the international community must provide humanitarian assistance to Afghanistan on a long-term basis, until a comprehensive plan for the country's economic recovery has been implemented**.

This plan should also take into account such factors as the fragmentation and weakening of Afghan society and the lack in Afghanistan of a sufficient number of qualified experts in different sectors and of the necessary economic, transport, productive and social infrastructure.

We welcome the efforts by the international community to convene various conferences on Afghanistan (in Bonn, Washington, Tokyo and elsewhere), which we are firmly convinced will not only help to reconcile the positions of the main social, political and religious forces in Afghan society as regards the future governing structures of the country, but also to identify the specific programmes and needs and the material and human resources required for the comprehensive social and economic rehabilitation of Afghanistan. Kazakhstan fully supports the actions taken in this regard by the United States, the Russian Federation, the countries of the

European Union, Japan, neighbouring States and other donor countries, and is ready to assist those efforts in every way.

At the same time, **a huge responsibility resides with the Afghan Interim Authority**, which must ensure the implementation of all aspects of the Bonn Agreement, preserve peace and create and develop conditions for the full-fledged rehabilitation of Afghanistan and its political and economic development. **Only if the Afghan Interim Authority and all Afghans assume this responsibility will the international community be able to assist Afghanistan effectively**.

IV. Kazakhstan proceeds from the assumption that after peace and order are established in Afghanistan, **the countries of the region must really feel secure**. Throughout the process of rehabilitation of the country, the international community should aim at **neutralizing the sources of new threats, such as drug and weapons trafficking, illegal migration and religious extremism**.

V. It is satisfying to note that Afghanistan is now the focus of attention of the international media, which should continue to play a central role in objectively covering events in and around Afghanistan. In this context we believe that, along with expert analysis and appraisals of the Afghan problem, it is necessary to highlight the actual development of the situation in Afghanistan and to report on the efforts made by the international community in Afghanistan and its long-term plans for the country's revival.

The media should focus on promoting an understanding on the part of world public opinion that the long-suffering people of Afghanistan have nothing to do with international terrorism, which has stirred up a hornets' nest in that country against the will of the majority of Afghans. It is also important to clearly show the real difficulties and needs involved in the long-term social and economic rehabilitation of Afghanistan.

VI. Kazakhstan welcomes the official inauguration of the Afghan Interim Authority headed by Hamid Karzai. Aware of the complexity of the challenges facing Mr. Karzai and his colleagues, Kazakhstan wishes them courage, determination and success in the achievement of their objectives.

Kazakhstan is confident that the joint efforts of all interested parties and States can successfully solve the Afghan problem and can also eradicate international terrorism, which is trying to impose its rules and demands on the civilized world.

For its part, Kazakhstan stands ready to make a practical contribution to the coalition's action in Afghanistan, especially in its economic and humanitarian phase, and, in view of its proximity to Afghanistan, it offers:

- To supply food (grain, rice and meat), fuel, construction materials and other goods as part of the humanitarian aid mobilized by the donor community;
- To set up in its territory, under the auspices of the United Nations and the international coalition, forward-based humanitarian warehouses;
- To send its civilian specialists — doctors, teachers, builders, engineers, and so on — to Afghanistan;
- Although it does not have much experience, Kazakhstan is willing to consider participation by its peacekeeping battalion (Kazbat) in the International Security Assistance Force in Afghanistan in the post-conflict period;

- In the future, we could explore the integration of Afghanistan into the United Nations Special Programme for the Economies of Central Asia (SPECA), with agriculture as a priority area.

While addressing these specific proposals to the coalition partners, Kazakhstan also reaffirms its willingness to mediate in the settlement of the crisis in Afghanistan, many of whose citizens perceive Kazakhstan as a neutral State of the region, in the Afghan context.

Ministry of Foreign Affairs of
the Republic of Kazakhstan

United Nations A/56/755–S/2001/1256

General Assembly
Security Council

Distr.: General
26 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda item 62
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 21 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 21 December 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly under agenda item 62, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

01-71584 (E) 271201

Annex to the letter dated 21 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statements made by representatives of the Greek Cypriot administration at the General Assembly plenary session on 8, 13, 14 and 16 November 2001. These statements contain false allegations against my country. I would therefore like to respond to these allegations and to set the record straight.

The Greek Cypriot representatives have, once again, tried to portray the situation in Cyprus as a problem of "invasion" and "occupation" by Turkey. A quick glance at the history of Cyprus will reveal that the Cyprus question did not come about as a result of the Turkish intervention in 1974, as alleged by the Greek Cypriot side, but was created in 1963 when the Greek Cypriot wing of the bi-national Republic of Cyprus usurped, by force of arms, the seat of government and ejected the Turkish Cypriots from all state organs. The aim of the Greek Cypriots was to eliminate the Turkish Cypriot people whom they perceived as an obstacle blocking the way towards ENOSIS (union of Cyprus with Greece). The armed onslaught in December 1963 was accompanied by a campaign of ethnic cleansing against the Turkish Cypriots. In the process, the Greek Cypriots killed or wounded hundreds of Turkish Cypriots, destroyed 103 Turkish Cypriot villages across the island and rendered a quarter of the Turkish Cypriot population refugees. The violence against the Turkish Cypriots continued for eleven years until 1974.

As it is well known, the Turkish intervention in 1974 was carried out, in the wake of a coup d'état staged by Greece and its collaborators in Cyprus, in order to prevent the annexation of Cyprus by Greece and to protect the Turkish Cypriots from imminent massacres. Turkey's intervention in Cyprus was not only in full conformity with its rights and obligations under the 1960 Treaty of Guarantee, but was very timely and essential in view of the gravity of the situation in Cyprus at the time.

Against the background of oppression and persecution, the claim by the Greek Cypriot representative that the two communities on the island have lived in "peace and harmony" in the past is nothing more than a denial of history and an inability to assume responsibility for the wrongdoings that created the Cyprus problem in the first place.

The Greek Cypriot representative has also referred to the issue of the unilateral application of the Greek Cypriot administration for accession to the European Union. I would like to emphasize that the ongoing unilateral bid for European Union membership by the Greek Cypriot administration contravenes the provisions of the Treaty of Guarantee and of Alliance, which regulate the "state of affairs" created by the 1960 Cyprus Agreements. The "state of affairs" created by the 1960 Agreements is one of equal co-founder partnership status of the two peoples. In addition to the internal balance between the two peoples in Cyprus, the treaties have established an external balance between the respective motherlands, Turkey and Greece, and, under the 1960 Treaty of Guarantee, Turkey, Greece and the United Kingdom of Great Britain and Northern Ireland have become guarantors of the 1960 "state of affairs" in Cyprus.

The Greek Cypriot side has never concealed that it seeks to become a member of the European Union for political reasons, rather than economic or otherwise, in order to dilute these treaties and render Turkey's security guarantee for the Turkish Cypriots ineffective. The Turkish Cypriot side has opposed the unilateral application by the Greek Cypriot side from the very beginning and has held the strong view that the European Union membership can only be taken up after a political settlement between the two parties. Also, the balance established between Turkey and Greece with regard to Cyprus by the 1960 treaties has to be maintained in every respect.

In this connection, I would like to refer to the "Further Opinion" dated 12 September 2001 prepared by Professor M. H. Mendelson, Q.C., a prominent international jurist, at the request of both the Government of the Turkish Republic of Northern Cyprus and the Government of Turkey, which has been circulated as a United Nations document (A/56/451-S/2001/953, enclosure). This legal opinion demonstrates that the unilateral accession of the Greek Cypriot administration, purporting to represent the "Republic of Cyprus", to the European Union would be in breach of the Treaty of Guarantee unless all parties to the Treaty (namely Turkey, Greece, and the United Kingdom) consented.

I would like to reiterate that the unilateral accession process initiated by the Greek Cypriot side and the "green light" given to the Greek Cypriots by the European Union in this regard have already seriously undermined the search for a negotiated settlement in Cyprus. The unilateral accession of the Greek Cypriot side to the European Union would destroy all prospects for a settlement and would bring about the permanent division of the island. Such an eventuality would pose a direct threat to peace and stability on the island and the region at large. It is therefore incumbent upon all concerned to stand firmly against such an eventuality. At this juncture, it is crucial that the European Union should send the right messages to the Greek Cypriot side.

In conclusion, I would like to impress upon all concerned the necessity to adopt a fresh approach to the Cyprus issue in order to facilitate the process of reconciliation between the two states in Cyprus. This will also induce the Greek Cypriot side to stop pretending that they represent the island as a whole and to refrain from exploiting international forums against the Turkish Republic of Northern Cyprus and Turkey. Only then will the necessary first steps have been taken in conformity with the spirit of the current political climate.

I should be grateful if the present letter were circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

United Nations S/2001/1257

Security Council

Distr.: General
24 December 2001
English
Original: French

Letter dated 21 December 2001 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

You will find below a message from Mr. Hubert Védrine, Minister for Foreign Affairs.

Quote:

"The French Government announced on 12 December 2001 that France was willing, on the basis of a mandate decided by the United Nations Security Council, to participate in the International Security Force provided for in the agreement signed in Bonn on 5 December 2001 by the Afghan delegations meeting under the aegis of the United Nations (see S/2001/1154).

France therefore worked energetically to bring about the adoption by the Security Council, on 20 December 2001, of resolution 1386 (2001), authorizing, as envisaged in annex I of the Bonn Agreement, the establishment for six months of an international security assistance force, whose mission is to assist the interim Afghan authority in the maintenance of security for Kabul and its surrounding areas, so as to ensure that the interim Afghan authority and United Nations personnel have a secure environment in which to work.

France is willing to participate in this international force, for the same period of time as that envisaged by the United Kingdom in Mr. Jack Straw's letter to you dated 19 December 2001, which has been circulated as a document of the Security Council (S/2001/1217, annex).

For this purpose, France intends to deploy special units immediately available to help provide security for individuals and protection for the premises of the interim Afghan administration in Kabul.

In addition to contributing to the International Security Assistance Force, France is willing to help train Afghan demining teams. It could also participate, under conditions to be determined together with its partners, particularly its European partners, in training Afghan security and armed forces in the future, should this be desired.

01-71542 (E) 261201 261201

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Hubert Védrine"

End of quote

(*Signed*) Jean-David **Lévitte**
Permanent Representative

United Nations A/56/756-S/2001/1258

General Assembly
Security Council

Distr.: General
24 December 2001
English
Original: Spanish

General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 18 December 2001 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 3 October 2001 (S/2001/940, annex) which Mr. Fidel Castro Ruíz, President of the Republic of Cuba, sent to you concerning the decision of the Government of Cuba to accede to the 12 existing international legal instruments on the prevention and suppression of international terrorism, in response to your appeal to the international community.

I have the honour to inform you that, on the date on which that letter was sent, the Government of the Republic of Cuba immediately began taking the steps required to ratify or accede to the nine international conventions and protocols on terrorism to which Cuba was not a State party.

On 29 November 2001 Cuba deposited at the headquarters of the International Civil Aviation Organization (ICAO) its instrument of accession to the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

Cuba thereby completed the process of ratifying or acceding to the 12 existing international conventions and protocols on terrorism, namely:

(a) Convention on Offences and Certain Other Acts Committed on Board Aircraft;

(b) Convention for the Suppression of Unlawful Seizure of Aircraft;

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

(e) International Convention against the Taking of Hostages;

(f) Convention on the Physical Protection of Nuclear Materials;

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(g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

(i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

(j) Convention on the Marking of Plastic Explosives for the Purpose of Detection;

(k) International Convention for the Suppression of Terrorist Bombings;

(l) International Convention for the Suppression of the Financing of Terrorism.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Bruno **Rodríguez Parrilla**
Ambassador
Permanent Representative

United Nations S/2001/1259

Security Council

Distr.: General
26 December 2001

Original: English

Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

I have the honour to transmit herewith the annual report, adopted today, of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), which is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) Noureddine **Mejdoub**
Chairman
Security Council Committee established pursuant to
resolution 751 (1992) concerning Somalia

01-71642 (E) 271201

Annex

Report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from January to December 2001.

2. The report of the Committee covering its activities from January to 20 December 2000 (S/2000/1226, annex) was submitted to the Security Council on 21 December 2000.

II. Summary of the Committee's activities during the reporting period

3. For 2001, the bureau consisted of Said Ben Mustapha (Tunisia) (1 January to 5 June 2001) and Noureddine Mejdoub (Tunisia) (6 June to 31 December 2001) as Chairman, with the delegations of Jamaica and Norway providing the two Vice-Chairmen (see S/2001/564).

4. Following the adoption on 19 June 2001 of Security Council resolution 1356 (2001), the Committee, at its 17th meeting, on 17 July 2001, considered draft new consolidated guidelines for the conduct of its work. The Committee also considered a request, dated 20 June 2001, from the United Kingdom of Great Britain and Northern Ireland for the export of specialized equipment to Somalia to be used by HALO Trust for its humanitarian demining programme in north-west Somalia (Somaliland).

5. In a letter dated 20 July 2001, the Chairman conveyed the Committee's approval of the request from the United Kingdom. In a press release of 3 August 2001 (SC/7116), the Committee noted that it had approved two technical amendments to the new consolidated guidelines for the conduct of its work. The press release further stated that pursuant to the new consolidated guidelines, the Committee would give consideration to and decide upon requests for exemptions to the measures imposed by paragraph 5 of Security Council resolution 733 (1992), as set out in paragraph 3 of Council resolution 1356 (2001).

6. On 3 August 2001, the Chairman of the Committee addressed a note verbale communicating the above information to all Permanent Representatives/Permanent Observers to the United Nations and to all international organizations/specialized agencies (SCA/1/01(13)).

7. In a note verbale dated 30 August 2001 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee (S/AC.29/2001/1 of 16 October 2001), the Permanent Mission of Thailand reported that, on 31 July 2001, the Government of Thailand had decided to implement Security Council resolution 1356 (2001) and had instructed its relevant government agencies to comply with the resolution.

8. In a statement by the President of the Security Council (S/PRST/2001/1) issued on 11 January 2001, the President on behalf of the Council reiterated to all States their obligation to comply with the measures imposed by resolution 733 (1992) and urged each State to take the necessary steps to ensure full implementation and enforcement of the arms embargo. The President on behalf of the Council strongly condemned the illegal supply of weapons to recipients in Somalia and reiterated its call upon all States, the United Nations and other international organizations and entities to report to the Committee information on possible violations of the arms embargo.

9. In a statement by the President of the Security Council (S/PRST/2001/30) issued on 31 October 2001, the President on behalf of the Council again called upon all States and other actors to comply scrupulously with the arms embargo established by resolution 733 (1992).

III. Observations

10. In the absence of a specific monitoring mechanism to ensure the effective implementation of the arms embargo, the Committee would like to recall its previous observations that it relies solely on the cooperation of States and organizations in a position to provide information on violations of the arms embargo.

United Nations S/2001/1260

Security Council

Distr.: General
26 December 2001
English
Original: Arabic

Letter dated 23 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to inform you that a total of 1,972 items of unexploded ordnance left behind by the 1991 30-Power aggression against Iraq were found and disposed in various parts of Iraq during the period from 1 October to 30 November 2001. The items, which included cluster bombs, missiles, anti-tank and anti-personnel mines and other ordnance, were found in the following governorates: Baghdad, Basrah, Anbar, Ninawa, Dhi Qar, Muthanna and Wasit.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Abdul Munim **Al-Kadhe**
Chargé d'affaires a.i.

01-71636 (E) 271201 271201

United Nations A/ES-10/134–S/2001/1261

General Assembly
Security Council

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26 December 2001

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-sixth year

Identical letters dated 26 December 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

On Christmas Eve, Israel, the occupying Power, used military measures to obstruct the attendance by the President of the Palestinian Authority of religious observances in Bethlehem. This step, which was made public, represents gross and severe violations of the agreements reached between the Palestinian and Israeli sides along with the principle of freedom of movement and freedom of access to holy places. It is a direct attack on the Presidency of the Authority and an insult to Palestinian national dignity that meant to provoke a reaction, thus ensuring the continuation of the cycle of violence.

The Israeli government has crossed a red line with regard to dealing with the Palestinian Authority and its elected President, in light of existing agreements. The Israeli government must understand that reneging on the requirements of the recognition of the Palestinian Authority and its rights can only destroy the historical mutual recognition reached between the Palestinian and Israeli sides in 1993, for which the Israeli government will bear full legal and political responsibility. Israel can not have it both ways, and the Palestinian Authority might find itself obliged to deal with it solely as an occupying Power.

On another important issue, Israel, the occupying Power, up until now has not responded positively to the measures taken by the Palestinian Authority to ensure a ceasefire and the ensuing declaration by some Palestinian groups of the cessation of suicide bombings in Israel. In fact, the occupying Power continues with its military campaign and it is also trying to achieve the illegitimate goal of branding violent acts in the Occupied Palestinian Territory as terrorism. Resistance to foreign occupation has always been and will always remain legitimate. In the Palestinian case, Israeli settlers illegally brought by the occupying Power to the Occupied Territory remain the responsibility of the occupying Power and cannot be regarded as protected persons under international law. Those settlers are illegal and will remain so until they leave with the end of occupation.

01-71678 (E) 261201

The Palestinian Authority, however, out of its commitment to the negotiated settlement within the peace process, remains committed to the ceasefire and remains opposed to violence, even in the Occupied Palestinian Territory, including Jerusalem. However, Israeli attempts to legitimize the illegal presence of settlers and to undermine the clear legal case of the Occupied Palestinian Territory are absolutely rejected. Furthermore, Israel's persistence in its military campaign against the Palestinian people, if continued, can only lead to a Palestinian reaction and legitimate Palestinian resistance. The world has been aware of the utmost seriousness of the two issues mentioned above and while we hold Israel responsible, we hope that the international community can do its part to save the situation in the interest of peace in the Middle East.

In follow-up of my previous 85 letters to you regarding this grave situation in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 21 December 2001 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166 and A/ES-10/133-S/2001/1239).

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations

A/56/758–S/2001/1262

General Assembly
Security Council

Distr.: General
27 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 26 December 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to attach herewith the text of a letter addressed to you by the Deputy Prime Minister and Minister for Foreign Affairs of the State of Israel, Mr. Shimon Peres, dated 25 December 2001 (see annex).

I should be grateful if you would arrange to have the text of the present letter and its annex circulated as a document of the General Assembly under agenda item 42, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

01-71708 (E) 271201

Annex to the letter dated 26 December 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Letter dated 25 December 2001 from the Deputy Prime Minister and Foreign Minister of the State of Israel, H.E. Mr. Shimon Peres, addressed to the Secretary-General and the President of the Security Council

We are deeply concerned by an unprecedented and exceptionally grave statement delivered by one of Iran's prominent leaders, the former President Hashemi Rafsanjani, Head of the Expediency Council. On 14 December, Rafsanjani declared before a crowd in Teheran that the Islamic world is arming itself with nuclear weapons in order to destroy Israel and undermine Western interests in the region.

In his speech, delivered on the occasion of the Iranian "Jerusalem Day", Rafsanjani emphasized the following themes:

- "The establishment of Israel is the most hideous occurrence in history. The Islamic world will not tolerate the continued existence of Israel in the region, and will vomit it out from its midst.
- "The Jihad operations against Israel must continue unrelentingly until victory is achieved. Therefore, all Palestinian Authority actions against the Jihad organizations are unacceptable. When the Islamic world acquires atomic weapons, the strategy of the West will hit a dead-end — since the use of a single atomic bomb has the power to destroy Israel completely, while it will only cause partial damage to the Islamic world.
- "The West's support for Israel is liable to bring about World War III, which will be fought between those believers who seek a martyr's death, on the one hand, and those who represent the epitome of arrogance on the other hand.
- "The United States is making a strategic blunder, if it views the campaign in Afghanistan as a model for a policy to be applied towards its other rivals. Such an error would cause a catastrophe for world stability and for all mankind."

This bone-chilling statement clearly contradicts the Iranian claim that its plans to acquire nuclear technologies are designed only for peaceful purposes. Rafsanjani's declaration speaks for itself, and leaves no room for any doubt as to Iran's inherent hatred of Israel and its declared goal to destroy it. Moreover, Iran is determined to obstruct the peace process, underscored by its call to continue the Jihad terrorist operations against Israel. This constitutes a threat of genocide.

I therefore appeal to you to demand that Iran abandon its plan to arm itself with unconventional weapons, and that immediate steps be taken to ensure that a plan of this kind is not put into effect. Otherwise, I fear that it might be too late to deal with the danger we could face.

(*Signed*) Shimon **Peres**
Deputy Prime Minster
Minster of Foreign Affairs

United Nations S/2001/1263

Security Council

Distr.: General
27 December 2001
English
Original: Arabic

Identical letters dated 25 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 24 December 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq. The Minister calls attention to the ongoing wanton aggression against Iraq by United States and British aircraft in the unlawful no-flight zones and to the fact that in the period from 1 to 15 December 2001 they carried out 99 hostile sorties, 10 of them from Saudi Arabia, 51 from Kuwait and 38 from Turkey, as shown in the statement enclosed with his letter.

The Minister reaffirms the Government of Iraq's condemnation of these acts of aggression against Iraqi territory, and he states that full international responsibility for them must be borne by the United States of America, the United Kingdom and the countries that provide the logistic support for this aggression, namely Saudi Arabia, Kuwait and Turkey. He further states that Iraq reserves its right, as established by the Charter of the United Nations and international law, to defend itself against this ongoing hostile, terrorist activity. He urges you to perform the duties assigned to you under the Charter by ensuring that this persistent aggression is halted and does not recur and that its perpetrators and the regional parties that associate themselves with it are made to bear full legal responsibility for it.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Abdul Munim **Al-Kadhe**
Chargé d'affaires a.i.

01-71720 (E) 020102 030102

Annex to the identical letters dated 25 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that United States of America and the United Kingdom have continued their aerial aggression against the Republic of Iraq and that the Kingdom of Saudi Arabia, the State of Kuwait and the Republic of Turkey have also continued to provide logistic facilities for this aggression. United States and British warplanes based in Saudi Arabia, Kuwait and Turkey have thus continued to violate the airspace of the Republic of Iraq. They flew 99 armed sorties in the period from 1 to 15 December 2001, 10 of them from Saudi Arabia, 51 from Kuwait and 38 from Turkey, as shown in the statement enclosed herewith.

The enforcement by the United States and the United Kingdom of the no-flight zones in northern and southern Iraq is an internationally unlawful act and a flagrant violation of the Charter of the United Nations and the established norms of international law. It constitutes an illegal use of armed force against the sovereignty, independence and territorial integrity of Iraq, and it is to be regarded as an ongoing act of aggression such as accords with the Definition of Aggression approved by the United Nations General Assembly in its resolution 3314 (XXIX) of 14 December 1974. Most of the world's countries have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent State. The United Nations, as represented by the Secretary-General, has also affirmed that the claim that the Security Council resolutions concerning Iraq authorize the imposition of the no-flight zones is groundless.

The attacks being launched by United States and British aircraft on Iraqi towns and villages and on structures that are basic to life in the country, including health-care and educational establishments and houses of worship, constitute blatant State terrorism that has now been practised for more than 10 years and has caused the deaths of thousands of Iraqi citizens, has left tens of thousands injured and has brought about the destruction of vital amenities and infrastructure. That the United Nations, the Security Council and you yourself should remain mere spectators in the presence of this aggression and this blatant State terrorism against Iraq raises serious questions about the credibility of the United Nations and about its capacity to apply the norms of the Charter to all without distinction and without the use of double standards.

The Government of Iraq considers that the Governments of the United States and the United Kingdom and the countries that provide the facilities for this terrorist aggression, namely Kuwait, Saudi Arabia and Turkey, should bear full responsibility for their illegal actions. It affirms Iraq's established entitlement under the Charter of the United Nations and international law to exercise its legitimate right to defend itself against this ongoing hostile, terrorist activity. It further expresses the hope that you will perform the duties assigned to you as they relate to the maintenance of international peace and security, that you will call upon the Governments of the

countries in question to halt their continuing aggression against Iraq forthwith and that you will ensure that those committing the aggression and the regional parties collaborating in that aggression, namely Kuwait, Saudi Arabia and Turkey, are made to bear full legal responsibility for it.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Violations of the airspace of the Republic of Iraq by United States and British warplanes, 1-15 December 2001

1. In the northern region 38 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

(a) At 1100 hours on 6 December 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Baibo, Aqrah and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1205 hours, drove them off.

(b) At 1330 hours on 10 December 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 10 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Dohuk, Aqrah, Irbil and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1520 hours, drove them off.

(c) At 1135 hours on 12 December 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Aqrah and Dohuk areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1435 hours, drove them off.

2. In the southern region 61 armed sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 1050 hours on 3 December 2001, United States and British F-14 and F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out four armed sorties, two of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and two from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Busayyah and Ansab areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1200 hours, drove them off.

(b) At 0805 hours on 6 December 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 20 armed sorties, two of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 18 from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah,

Jalibah, Busayyah, Salman and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0930 hours, drove them off.

(c) At 1145 hours on 11 December 2001, United States and British F-14, F-15 and F-16 aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 16 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Safwan, Salman, Jalibah and Ashbajah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1310 hours, drove them off.

(d) At 1200 hours on 12 December 2001, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 14 armed sorties, four of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 10 from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Salman, Busayyah, Ashbajah and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1300 hours, drove them off.

(e) At 1140 hours on 14 December 2001, United States and British F-14 and F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out six armed sorties, two of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and four from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Busayyah, Salman and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1245 hours, drove them off.